

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARIA VELIZ,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security

Defendant.

CASE NO. 2:15-CV-00773-JLR-DWC

REPORT AND RECOMMENDATION  
ON PLAINTIFF'S COMPLAINT

The District Court has referred this action, filed pursuant to 42 U.S.C. § 405(g), to United States Magistrate Judge David W. Christel. Presently before the Court is Defendant's Stipulated Motion for Remand. Dkt. 15.

After reviewing Defendant's Stipulated Motion and the relevant record, the undersigned recommends the Court grant the parties' Motion, and reverse and remand this matter to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, based on the parties' stipulation, this Court recommends the Administrative Law Judge ("ALJ") hold a *de novo* hearing and issue a new decision. The Court recommends the ALJ be ordered to:

(1) Update the medical evidence.

(2) Reevaluate the medical opinion evidence, including the opinions by Ellen Walker, Ph.D., Mark Heilbrunn, M.D., and State agency reviewing physicians, Drs. Gilbert, Hacker, and Bernardez-Fu, explain the weight given; and provide legally sufficient reasons for any medical opinion that is rejected.

(3) Reevaluate the claimant's residual functional capacity.

(4) Continue with the sequential evaluation process, and determine the claimant's capacity to perform past relevant work and other work, obtaining VE testimony as needed.

This Court further recommends the ALJ take any other actions necessary to develop the record. In addition, Plaintiff should be allowed to submit additional evidence and arguments to the ALJ on remand.

The parties agree and the undersigned recommends this Court should consider Plaintiff's application for attorney's fees and costs pursuant to 28 U.S.C. § 2412(d) and 42 U.S.C. § 406(b) following proper presentation.

Given the facts and the parties' stipulation, the Court recommends the District Judge immediately approve this Report and Recommendation and order that the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

Dated this 14th day of October, 2015.



David W. Christel  
United States Magistrate Judge